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BEFORE THE
BOARD OF VOCATIONAL NURSING
AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

Case No. VN-2007-1359

TEMINA RANICE ADGER
P.O. Box 781
Palo Alto, CA 94302

Applicant for Vocational Nurse License

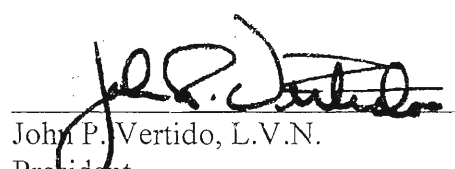
Respondent.

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of
Vocational Nursing and Psychiatric Technicians as the final Decision in the above-entitled matter.

This Decision shall become effective on June 5, 2009.

IT IS SO ORDERED this 6th day of May, 2009.


John P. Vertido, L.V.N.
President

1 EDMUND G. BROWN JR., Attorney General
2 of the State of California
3 DIANN SOKOLOFF, State Bar No. 161082
4 Deputy Attorney General
5 California Department of Justice
6 1515 Clay Street, 20th Floor
7 P.O. Box 70550
8 Oakland, CA 94612-0550
9 Telephone: (510) 622-2212
10 Facsimile: (510) 622-2270

Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues Against:

Case No. VN-2007-1359

12 TEMINA RANICE ADGER
13 A.K.A. TEMINA RANICE WINDOM-ADGER
14 A.K.A. TEMINA RANICE WINDOM

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 P.O. Box 781
15 Palo Alto, CA 94302

Respondent.

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
18 above-entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) is the Executive
21 Officer of the Board of Vocational Nursing and Psychiatric Technicians. She brought this action
22 solely in her official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney
23 General of the State of California, by Diann Sokoloff, Deputy Attorney General.

24 2. Respondent Temina Ranice Adger (Respondent) is represented in this
25 proceeding by attorney Marisol Ocampo, Esq., whose address is Century Law Group, LLP, 5200
26 W. Century Blvd., Ste. 345, Los Angeles, CA 90045.

27 3. On or about November 1, 2007, Respondent submitted an application for a
28 vocational nurse license. On or about February 29, 2008, the Board of Vocational Nursing and

1 Psychiatric Technicians denied Respondent's application for licensure as a vocational nurse
2 pursuant to Business and Professions Code sections 480(a)(1) and 480(a)(2). On or about March
3 11, 2008, Respondent submitted an appeal and requested a hearing.

4 JURISDICTION

5 4. Statement of Issues No. VN-2007-1359 was filed before the Board of
6 Vocational Nursing and Psychiatric Technicians (Board), Department of Consumer Affairs, and
7 is currently pending against Respondent. The Statement of Issues and all other statutorily
8 required documents were properly served on Respondent on September 17, 2008. Respondent
9 timely filed her request for hearing contesting the Statement of Issues. A copy of Statement of
10 Issues No. VN-2007-1359 is attached as Exhibit A and incorporated herein by reference.

11 ADVISEMENT AND WAIVERS

12 5. Respondent has carefully read, fully discussed with counsel, and
13 understands the charges and allegations in Statement of Issues No. VN-2007-1359. Respondent
14 has also carefully read, fully discussed with counsel, and understands the effects of this
15 Stipulated Settlement and Disciplinary Order.

16 6. Respondent is fully aware of her legal rights in this matter, including the
17 right to a hearing on the charges and allegations in the Statement of Issues; the right to be
18 represented by counsel at her own expense; the right to confront and cross-examine the witnesses
19 against her; the right to present evidence and to testify on her own behalf; the right to the
20 issuance of subpoenas to compel the attendance of witnesses and the production of documents;
21 the right to reconsideration and court review of an adverse decision; and all other rights accorded
22 by the California Administrative Procedure Act and other applicable laws.

23 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
24 each and every right set forth above.

25 CULPABILITY

26 8. Respondent admits the truth of each and every charge and allegation in
27 Statement of Issues No. VN-2007-1359.

28 9. Respondent agrees that her application for a Vocational Nurse License is

1 subject to denial, but for this Stipulated Settlement, and she agrees to be bound by the Board's
2 imposition of discipline as set forth in the Disciplinary Order below.

3 **CIRCUMSTANCES IN MITIGATION**

4 10. Respondent Temina Ranice Adger has never been the subject of any
5 disciplinary action. Respondent asserts the following matters by way of mitigation. She is a 27
6 year old, who was convicted of two misdemeanors, the first for grand theft occurred in 2000
7 when she was 19, and the second for petty theft occurred in 2004. She takes full responsibility
8 for the first conviction and she is remorseful about it. After the 2000 conviction, she stopped
9 socializing with the people who she had been in contact with, focused on school and her career,
10 and spent more time with family. She made contributions to her community by volunteering at a
11 local soup kitchen, becoming a tutor and mentor to children, and volunteering with a Church
12 Youth Group. Although she disputed the charge of her second conviction, she pled no contest
13 based on the advice from her counsel. She continued to serve, and be a contributing member of,
14 society. She has worked for seven years as a Certified Medical Assistant at Palo Alto Medical
15 Center, in Palo Alto, California. She obtained a Medical Assistant Certificate in July 2001. She
16 has provided many letter of support from her supervisors, patients, family and friends. She is
17 admitting responsibility at an early stage in the proceedings. She has earned a good record while
18 working as a medical assistant. Lastly, she obtained a dismissal of both of her convictions and
19 has not sustained any additional convictions.

20 **CONTINGENCY**

21 11. This stipulation shall be subject to approval by the Board of Vocational
22 Nursing and Psychiatric Technicians. Respondent understands and agrees that counsel for
23 Complainant and the staff of the Board of Vocational Nursing and Psychiatric Technicians may
24 communicate directly with the Board regarding this stipulation and settlement, without notice to
25 or participation by Respondent or her counsel. By signing the stipulation, Respondent
26 understands and agrees that she may not withdraw her agreement or seek to rescind the
27 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this
28 stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of

1 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between
2 the parties, and the Board shall not be disqualified from further action by having considered this
3 matter.

4 12. The parties understand and agree that facsimile copies of this Stipulated
5 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
6 force and effect as the originals.

7 13. In consideration of the foregoing admissions and stipulations, the parties
8 agree that the Board may, without further notice or formal proceeding, issue and enter the
9 following Disciplinary Order:

10 **DISCIPLINARY ORDER**

11 IT IS HEREBY ORDERED that the application of Respondent Temina Ranice
12 Adger for licensure as a Vocational Nurse shall be granted and a license shall be issued to
13 Respondent upon successful completion of all licensing requirements. Said license shall be
14 immediately revoked, the order of revocation stayed and Respondent placed on probation for
15 three (3) years on the following terms and conditions.

16 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws,
17 including all statutes and regulations governing the license. Respondent shall submit, in writing,
18 a full and detailed account of any and all violations of the law, including alleged violations, to the
19 Board within five (5) days of occurrence. To ensure compliance with this condition, respondent
20 shall submit fingerprints through the Department of Justice and Federal Bureau of Investigation
21 within thirty (30) days of the effective date of the decision, unless the Board determines that
22 fingerprints were previously submitted by the respondent to the Board. Respondent shall also
23 submit to the Board a recent 2" x 2" photograph of himself/herself within thirty (30) days of the
24 effective date of the decision. If respondent is under a criminal court order, including probation
25 or parole, and the order is violated, it shall be deemed a violation of these probation conditions.

26 2. **Compliance With Probation Program.** Respondent shall fully comply
27 with the conditions of probation established by the Board and shall cooperate with
28 representatives of the Board in its monitoring and investigation of the respondent's compliance

1 with the Probation Program. Upon successful completion of probation, the respondent's license
2 will be fully restored.

3 **3. Submit Written Reports.** Respondent shall submit or cause to be
4 submitted, under penalty of perjury, any written reports, declarations and verification of actions
5 as required by the Board or its representatives. These reports or declarations shall contain
6 statements relative to respondent's compliance with all the conditions of the Board's Program.
7 Respondent shall immediately execute all release of information forms as may be required by the
8 Board or its representatives.

9 In the first report, respondent shall provide a list of all states and territories where
10 he/she has ever been licensed as a vocational/practical nurse, psychiatric technician, or registered
11 nurse. Respondent shall provide information regarding the status of each license and any change
12 in license status during the period of probation. Respondent shall inform the Board if he/she
13 applies for or obtains a new nursing or psychiatric technician license during the period of
14 probation.

15 Respondent shall provide a copy of the Board's decision to the regulatory agency
16 in every state and territory in which he/she has applied for or holds a vocational/practical nurse,
17 psychiatric technician and/or registered nurse license.

18 **4. Notification of Address And Telephone Number Change(s).**
19 Respondent shall notify the Board, in writing, within five (5) days of any change in address or
20 telephone number(s). Respondent's failure to claim mail sent by the Board may be deemed a
21 violation of these probation conditions.

22 **5. Notification of Residency or Practice Outside of State.** Respondent
23 shall notify the Board, in writing, within five (5) days, if he/she leaves California to reside or
24 practice in another state. Periods of residency or practice outside of California shall not apply
25 toward a reduction of this probation time period. If respondent resides or practices outside of
26 California, the period of probation shall be automatically extended for the same time period
27 he/she resides or practices outside of California. The respondent shall provide written notice to
28 the Board within five (5) days of any change of residency or practice. Respondent shall notify

1 the Board, in writing, within five (5) days, upon his/her return to California.

2 6. **Meetings With Board Representative(s).** Respondent shall appear in
3 person at meetings as directed by the Board or its designated representatives.

4 7. **Notification to Employer(s).** When currently employed or applying for
5 employment in any capacity in any health care profession, respondent shall notify his/her
6 employer of the probationary status of respondent's license. This notification to the respondent's
7 current health care employer shall occur no later than the effective date of the Decision. The
8 respondent shall notify any prospective health care employer of his/her probationary status with
9 the Board prior to accepting such employment. At a minimum, this notification shall be
10 accomplished by providing the employer or prospective employer with a copy of the Board's
11 Accusation and Disciplinary Decision.

12 The Health Care Profession includes, but is not limited to: Licensed Vocational
13 Nurse, Psychiatric Technician, Registered Nurse, Medical Assistant, Paramedic, Emergency
14 Medical Technician, Certified Nursing Assistant, Home Health Aide, and all other ancillary
15 technical health care positions.

16 Respondent shall cause each health care employer to submit to the Board all
17 performance evaluations and any other employment related reports as required by the Board.
18 Respondent shall notify the Board, in writing, of any difficulty in securing employer reports
19 within five (5) days of such an event.

20 Respondent shall notify the Board, in writing, within five (5) days of any change
21 in employment status. Respondent shall notify the Board, in writing, if he/she is terminated or
22 separated, regardless of cause, from any nursing or health care related employment with a full
23 explanation of the circumstances surrounding the termination or separation.

24 8. **Employment Requirements And Limitations.** Respondent shall work in
25 his/her licensed capacity in the state of California. This practice shall consist of no less than six
26 (6) continuous months and of no less than twenty (20) hours per week. Respondent shall not
27 work for a nurses' registry or in any private duty position, a temporary nurse placement agency,
28 as a faculty member in an accredited or approved school of nursing, or as an instructor in a Board

1 approved continuing education course except as approved, in writing, by the Board. Respondent
2 shall work only on a regularly assigned, identified and predetermined work site(s) and shall not
3 work in a float capacity except as approved, in writing, by the Board.

4 9. **Supervision Requirements.** Before commencing or continuing
5 employment in any health care profession, respondent shall obtain approval from the Board of
6 the supervision provided to the respondent while employed.

7 Respondent shall not function as a charge nurse (i.e., work in any healthcare
8 setting as the person who oversees or directs licensed vocational nurses, psychiatric technicians,
9 certified nursing assistants or unlicensed assistive personnel) or supervising psychiatric
10 technician during the period of probation except as approved, in writing, by the Board.

11 10. **Completion of Educational Course(s).** Respondent, at his or her own
12 expense, shall enroll and successfully complete a course(s) substantially related to the
13 violation(s) no later than the end of the first year of probation.

14 The coursework shall be in addition to that required for license renewal. The
15 Board shall notify the respondent of the course content and number of contact hours required.
16 Within thirty (30) days of the Board's written notification of assigned coursework, respondent
17 shall submit a written plan to comply with this requirement. The Board shall approve such plan
18 prior to enrollment in any course of study.

19 Upon successful completion of the course, respondent shall submit "original"
20 completion certificates to the Board within thirty (30) days of course completion.

21 11. **Maintenance of Valid License.** Respondent shall, at all times, maintain
22 an active current license with the Board including any period of suspension.

23 If an initial license must be issued (Statement of Issues) or a license is reinstated,
24 probation shall not commence until a license is issued by the Board. Respondent must complete
25 the licensure process within two (2) years from the effective date of the Board's decision.

26 Should respondent's license expire, by operation of law or otherwise, upon
27 renewal or reinstatement, respondent's license shall be subject to any and all conditions of this
28 probation not previously satisfied.

1 12. **License Surrender.** During probation, if respondent ceases practicing
2 due to retirement, health reasons, or is otherwise unable to satisfy the conditions of probation,
3 respondent may surrender his/her license to the Board. The Board reserves the right to evaluate
4 respondent's request and to exercise its discretion whether to grant the request without further
5 hearing. Upon formal acceptance of the tendered license, respondent will no longer be subject to
6 the conditions of probation.

7 Surrender of respondent's license shall be considered a disciplinary action and
8 shall become a part of respondent's license history with the Board. A licensee who surrenders
9 his/her license may petition the Board for reinstatement no sooner than the following minimum
10 periods from the effective date of the disciplinary decision for the surrender:

11 A. Three (3) years for reinstatement of a license surrendered for any
12 reason other than a mental or physical illness; or

13 B. One (1) year for a license surrendered for a mental or physical illness.

14 13. **Violation of Probation.** If respondent violates the conditions of his/her
15 probation, the Board, after giving the respondent notice and an opportunity to be heard, may set
16 aside the stay order and impose the stayed discipline (denial/revocation/suspension) of the
17 respondent's license. If during probation, an accusation or petition to revoke probation has been
18 filed against the respondent's license or the Attorney General's Office has been requested to
19 prepare an accusation or petition to revoke probation against the respondent's license, the
20 probationary period shall automatically be extended and shall not expire until the accusation or
21 petition has been acted upon by the Board.

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1 ACCEPTANCE

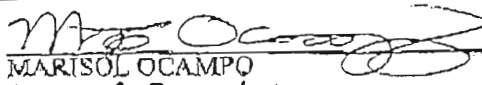
2 I have carefully read the above Stipulated Settlement and Disciplinary Order and
3 have fully discussed it with my attorney, Marisol Ocampo. I understand the stipulation and the
4 effect it will have on my Vocational Nurse License. I enter into this Stipulated Settlement and
5 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
6 Decision and Order of the Board of Vocational Nursing and Psychiatric Technicians.

7 DATED: 2-24-09.

8 
9 TEMINA RANICE ADGER
Respondent

10 I have read and fully discussed with Respondent Temina Ranice Adger the terms
11 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
12 Order. I approve its form and content.

13 DATED: 2-24-09


14 
15 MARISOL OCAMPO
Attorney for Respondent

16
17 ENDORSEMENT

18 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
19 submitted for consideration by the Board of Vocational Nursing and Psychiatric Technicians of
20 the Department of Consumer Affairs.

21
22 DATED: 2/25/09

23 EDMUND G. BROWN JR., Attorney General
24 of the State of California

25 
26 DIANN SOKOLOFF
27 Deputy Attorney General

28 Attorneys for Complainant

Exhibit A

**Statement of Issues
No. VN-2007-1359**

EDMUND G. BROWN JR., Attorney General
of the State of California
WILBERT E. BENNETT
Supervising Deputy Attorney General
DIANN SOKOLOFF, State Bar No. 161082
Deputy Attorney General
1515 Clay Street, 20th Floor
P.O. Box 70550
Oakland, CA 94612-0550
Telephone: (510) 622-2212
Facsimile: (510) 622-2270

Attorneys for Complainant

BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
BUREAU OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:

Case No. VN-2007-1359

TEMINA RANICE ADGER
also known as Temina Ranice Windom-Adger
and Temina Ranice Windom

STATEMENT OF ISSUES

P.O. BOX 781, Palo Alto, CA 94302

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this
Statement of Issues solely in her official capacity as the Executive Officer of the Bureau of
Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about November 19, 2007, the Board of Vocational Nursing and
Psychiatric Technicians, Department of Consumer Affairs received an application for a Licensed
Vocational Nurse license from Temina Ranice Adger, also known as Temina Ranice Windom-
Adger and Temina Ranice Windom (Respondent). On or about November 1, 2007, Respondent
certified under penalty of perjury to the truthfulness of all statements, answers, and
representations in the application. The Board denied the application on February 29, 2008.

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1 crime or act is substantially related to the qualifications, functions or duties of the business or
2 profession for which application is made.

3 FIRST CAUSE FOR DENIAL OF APPLICATION

4 (Conviction)

5 6. Respondent's application is subject to denial under sections 2866 and
6 480(a)(1) of the Code in that she was convicted of the following crimes substantially related to
7 the qualifications, functions, and duties of a licensed vocational nurse:

8 a. On or about December 28, 2000, Respondent was convicted in a
9 criminal proceeding entitled *People v. Windom* by plea of nolo contendere in the San Mateo
10 County Superior Court, Case No. 309217, of violation of Penal Code sections 504/487(a) (grand
11 theft). The circumstances underlying the criminal offense are hereafter set forth. On or about
12 October 20, 2000, Respondent was in Mervyn's as an off-duty employee with two friends.
13 Respondent brought approximately 15 items through a register where another employee, Barbara
14 Tai, was working. When she approached the register, Respondent concealed a pair of socks
15 worth \$2.98 in a Mervyn's bag prior to reaching the register. Respondent and Ms. Tai had
16 agreed to take items through each other's registers and pay a reduced price for the merchandise.
17 Respondent ran several items, actually worth \$254, through the register. Respondent paid
18 \$68.65 with gift cards she had obtained and a male subject paid \$100 cash. Ms. Tai returned \$52
19 cash to Respondent. Then, on or about October 22, 2000, Respondent was on duty working at a
20 register. Respondent's friends collected approximately \$486.42 worth of merchandise and
21 brought the merchandise through Respondent's register. Through a variety of voids, overrides,
22 and line item changes, Respondent accepted \$18.88 in cash and \$53.79 from a bankcard, for a
23 total of \$72.67, leaving an unpaid balance in excess of \$400.00. Pursuant to the conviction,
24 respondent was sentenced to two years probation which included a condition that she pay \$110
25 to the state restitution fund and she was ordered to pay a \$173 criminal justice administration
26 fee.

27 b. On or about April 21, 2004, Respondent was convicted in a
28 criminal proceeding entitled *People v. Windom* by plea of nolo contendere in the San Mateo

1 County Superior Court, Case No. SM330480A, of violation of Penal Code sections 484/490.5
2 (petty theft-retail merchandise). The circumstances underlying the criminal offense are hereafter
3 set forth. On or about December 15, 2003, Respondent entered a Payless Shoe Store in
4 Redwood City and switched the shoes she wore for new shoes, placed her old shoes in the new
5 shoe box, then placed the shoe box back on the shelf, and walked out of the store without paying
6 for the shoes. The owner of the store and an officer met Respondent as she exited the store.
7 Pursuant to the conviction, respondent was sentenced to eighteen months of probation, fined
8 \$502, and ordered to pay \$110 to the state restitution fund.

9 SECOND CAUSE FOR DENIAL OF APPLICATION

10 (Acts Involving Dishonesty/Fraud/Deceit)

11 7. Paragraphs 6(a) and 6(b) are incorporated by reference as though fully set
12 forth.

13 8. Respondent's criminal convictions for grand theft and petty theft, as
14 alleged in paragraphs 6(a) and 6(b), reflect the commission of acts involving dishonesty, fraud
15 and deceit within the meaning of Code section 480(a)(2), and provides grounds for denial of her
16 application under Code section 2866.

17 PRAYER

18 WHEREFORE, Complainant requests that a hearing be held on the matters herein
19 alleged, and that following the hearing, the Director of Consumer Affairs issue a decision:

20 1. Denying the application of Temina Ranice Adger, also known as Temina
21 Ranice Windom-Adger and Temina Ranice Windom, for a Vocational Nurse license;

22 2. Taking such other and further action as deemed necessary and proper.

23 DATED: September 3, 2008

24 
TERESA BELLO-JONES, J.D., M.S.N., R.N.

25 Executive Officer
26 Bureau of Vocational Nursing and Psychiatric Technicians
27 Department of Consumer Affairs
28 State of California
Complainant

03595110SF2008401534

SOI Adger.wpd